



KEY VOTE ALERT: Reject H.R. 2339

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Today, Americans for Tax Reform issued a Key Vote Alert in opposition to H.R. 2339.

Here are the top 6 key facts you need to know before the vote on the full House floor vote on [H.R. 2339](#) (Reversing the Youth Tobacco Epidemic Act) this week:

1. **Prohibition Never Works, But it Does Create Profitable Criminal Enterprises.**
2. **Congress Just Passed Tobacco 21 to Address Youth Use of Tobacco Products.**
3. **A Flavored Tobacco Product Ban Would Kill Over 400,000 Jobs.**
4. **State, Local, and Federal Government Would Lose over \$130 Billion in Tobacco Tax Revenue Over 10 Years.**
5. **Criminalizing The Sale of Some Tobacco Products Would Reverse Progress on Criminal Justice Reform.**
6. **This Bill is a Tax Increase.**

Rep. Frank Pallone's flavored tobacco product ban bill is opposed by Americans for Tax Reform, Citizens Against Government Waste, FreedomWorks, Heritage Action, Taxpayers Protection Alliance, Independent Women's Forum, the Competitive Enterprise Institute, the Consumer Choice Center, and Reason, among others. [Click here to read our coalition letter opposed to H.R. 2339.](#)

But it's also opposed by the American Civil Liberties Union, the Center for Popular Democracy, the Law Enforcement Action Partnership, the Drug Policy Alliance, the National Association of Social Workers, the National Association of Criminal Defense Lawyers, and Al Sharpton's National Action Network. [You can read their letter here.](#)

Here's what you need to know regarding the inclusion of a new national tax on nicotine e-cigarettes and vapor products (Section 501 of the bill):

The tax imposed by this bill would result in a \$5.01 tax on an average 30 milliliter bottle of refillable vapor product liquid that contains 6 milligrams of nicotine, the type of products many smokers purchase in thousands of vape shops in America. For multi-packs of "closed-system" products sold in 150,000 convenience stores, the tax would be range between \$3-5 per pack. Compare that to the federal excise tax on combustible tobacco cigarettes, which is \$1.01 per pack. **Taxing reduced risk electronic cigarettes at a significantly higher rate than cigarettes works at cross purposes with both the government and free market's ongoing effort to reduce the harm associated with cigarette use.** That's what this bill does.

[Click here to read ATR's letter to Congress on this tax.](#)

Note: because this language was previously a stand-alone bill (H.R. 4742), the impact on taxpayers has changed since it was first scored. Banning products that +80% of adult consumers use diminishes the likelihood of collecting much money. This bill is still a net tax hike and will be scored as such.

Americans for Tax Reform urges you to reject H.R. 2339, which would create the biggest black market in America since the 1920's, fueling criminal enterprises without any good reason for doing so. This bill is a tax increase and represents a moral crusade against disfavored consumer choices without respect to the tools that already exist that could address some of the concerns of proponents.

If you have questions on this bill, please contact Paul Blair at pblair@atr.org.

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